

REMARKS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-20 are currently pending. Claims 1, 9-11, 19 and 20, which are independent, are hereby amended. No new matter has been introduced. Support for this amendment can be found throughout the Specification as originally filed. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §103(a)

The combination of U.S. Patent No. 6,201,958 to Boucher, U.S. Patent No. 6,023,698 to Lavey, U.S. Patent No. 5,917,467 to Yoshimura, U.S. Patent No. 6,167,448 to Hemphill and U.S. Patent No. 7,194,246 to Box was relied upon to reject claims 1-10 under 35 USC 103. U.S. Patent No. 6,023,698 to McCormack was added to this combination to reject claims 11-20.

The Examiner relied upon Boucher for allegedly teaching a network management server that records identification information that identifies an information processing apparatus,

verifies whether that identification information already is recorded at the server and, based upon the verification results, controls the information processing apparatus. Lavey was relied upon for allegedly teaching the transmission to the information processing apparatus of an internet protocol file and an access point information file. Yoshimura was relied upon for allegedly teaching an information processing apparatus (presumably connectable to a server) that receives television broadcasts. Hemphill was relied upon for allegedly teaching the connection over a network to a management server. Box was relied upon for allegedly teaching the verification of previously executed sign-up processing of the information processing apparatus. McCormack was relied upon for allegedly teaching a network management server connected to a network.

Notwithstanding the Examiner's interpretation of Boucher, it is respectfully submitted that Boucher does not describe, at col. 4, lines 14-19 or elsewhere (insofar as Applicants' representative can determine) control means at a server (or at a base station) "for controlling said information processing apparatus ... based on verified results [verifying whether identification information had been recorded at the base station]," as recited in Applicants' claim 1, for example. Boucher describes a registration technique in which the identification number of a mobile terminal is authenticated by determining if that number is found in a list stored in a data base. But, there is no control over the mobile terminal by the base station.

Lavey describes registering information over the internet and uses rules for information exchange and management of delivery between networks. As the Examiner found, Lavey describes, at col. 11, lines 44-60, the TRUE/IP protocol provides a common coding interface that allows access to the Internet through any one of several ISP's. However, Lavey does not suggest the transmission from a network management server to an information

processing apparatus of an access point information file that identifies a geographical location through which the user of the information processing apparatus may gain access to the Internet. Nor does Lavey suggest transmitting to the information processing apparatus a home page established by the server. These features are recited in claim 1 of the present application.

Yoshimura describes a PC card system that, as best understood by Applicants' representative, operates to display a TV signal on a computer display. While Yoshimura's PC card system receives a television broadcast, there is no clear description to suggest that Yoshimura's system "establishes a connection to said network management server over said network" as recited by, for example, Applicants' claim 1. While Hemphill describes a managed device that communicates with a management server, Hemphill's managed device does not receive a television broadcast. It is respectfully submitted, absent the teachings of Applicants' disclosure, there is no reason to suggest that Hemphill's managed device should be replaced by, for example, Yoshimura's PC card system so that Hemphill's managed device can receive a television broadcast. Indeed, Yoshimura does not describe a connection over a network to a management server and Hemphill's managed device is described as a Hyper-Media Managed Device 110 or a legacy device 112 which, apparently, have nothing to do with television broadcasts. It appears the Examiner is relying upon the hindsight gleaned from Applicants' specification to combine Hemphill and Yoshimura (and to combine Boucher, Lavey, Yoshimura and Hemphill). But, such use of hindsight has been historically criticized by the Court of Appeals for the Federal Circuit. See, for example, *In re Laskowski*, 10, USPQ 2d, 1397, 1399 (Fed. Cir. 1989); *In re Fritch*, 23 USPQ 2d, 1780, 1783 (Fed. Cir. 1992); *In re Bond*, 15 USPQ 2d, 1566, 1568 (Fed. Cir. 1990); *In re Geiger*, 2 USPQ 2d, 1276 (Fed. Cir. 1987), among others.

Box, at col. 41, lines 31-59, the portion specifically relied upon by the Examiner, describes a user log-on procedure, in which the user is registered at a central location, user profile data is collected for the purpose of verifying the user and issuing a certificate for the user, thereby enabling the user to conduct transactions with the central location. However, there is nothing at the cited portion of Box to suggest verifying “whether sign-up processing [by the user] has previously been executed” as recited by, for example, Applicants’ claim 1.

McCormack describes a technique for integrating a network with a network management system in which a network management server is connected to the Internet. Presumably, the Examiner opines that McCormack’s management server can replace Boucher’s base station in a mobile radio system.

Notwithstanding the Examiner’s piecemeal combination of unrelated prior art

While Applicants' representative recognizes there is no statutory or PTO rule that limits the number of prior art references that may be combined to reject a claim, it is submitted that the present combination of five generally unrelated references, using the guidance derived from Applicants' disclosure, in an attempt to demonstrate the obviousness of Applicants' claims, is unwarranted. This is yet another reason to withdraw the obviousness rejection and find Applicants' claim 1 in condition for allowance.

Claims 9, 10, 11, 19 and 20 recite substantially the same above-quoted limitations of claim 1. Consequently, claims 9, 10, 11, 19 and 20 are unobvious over the combination of Boucher, Lavey, Yoshimura, Hemphill and Box, even when this combination is further combined with McCormack.

Claims 2-8 depend from claim 1 and claims 12-18 depend from claim 11. By reason of such dependency, claims 2-8 and 12-18 incorporate the same limitations recited in their respective independent claims 1 and 11. Therefore, for the reasons argued above, the rejection of claims 2-8 and 12-18 should be withdrawn and these dependent claims should be found in condition for allowance.

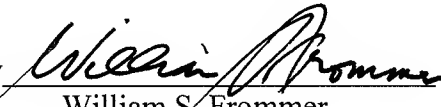
Applicants' representative has attempted to explain why Applicants' claims are allowable over the prior art of record. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited references, it is respectfully requested that the Examiner specifically indicate those portion, or portions of the respective reference providing the basis for a contrary view.

Reconsideration and allowance of claims 1-20 are respectfully solicited.

Please charge any additional fees that may be needed, and credit any
overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By 
William S. Frommer
Reg. No. 25,506
(212) 588-0800